

Practitioner's Docket No. U 012473-1**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Antonio LOPEZ-CABRERA

Application No.: 09/660,022

Group No.: 1615

Filed: September 12, 2000

Examiner: Susan Tran

For: **SOLID ORAL PHARMACEUTICAL FORMULATION OF MODIFIED RELEASE
THAT CONTAINS AN ACID LABILE BENZIMIDAZOLE COMPOUND**

Confirmation No. 5837

Commissioner for Patents

Office of Publications, Query and Correspondence Branch

Crystal Plaza 2 Room-6C30

P. O. Box 1450

Alexandria, VA 22313-1450

**LETTER ACCOMPANYING AMENDMENT AFTER ALLOWANCE
(37 C.F.R. Section 1.312)**

1. Please make the amendments shown in the attached papers in this application in the

- ☐ abstract.
- ☐ specification.
- ☐ drawings.
- ☒ claims.

NOTE: "No amendment may be made as a matter of right in an application after the mailing of the notice of allowance."
37 C.F.R. Section 1.312(a).

NOTE: Any increase in fees that may be required by amendments to the claims must be attended to in full in the attached papers or by general authorization to pay fees under 37 C.F.R. Section 16, otherwise, the amendment will not be considered by the Examiner. M.P.E.P. Section 714.16(c), 7th ed.

NOTE: The above address is that recommended in the Notice of November 4, 1986 (1072 O.G. 27-70 at page 35).

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.9a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

FACSIMILE

- ☒ transmitted by facsimile to the Patent and
Trademark Office (703) 872-9306

Signature

Janet I. Cord

(type or print name of person certifying)

Date: March 16, 2004

WARNING: Submissions after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C.F.R. 1.704(c)(10). Examples of such submissions are: (1) a request for a refund, (2) a status letter, (3) amendments under 37 C.F.R. 1.312, (4) a late priority claim, (5) a certified copy of a priority document, (6) drawings, (7) letters related to biological deposits, and (8) oaths or declarations. See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

(Letter Accompanying Amendment after Allowance (37 C.F.R. Section 1.312) -- page 1 of 2) 10-1

ST AVAILABLE COPY

2. Type of amendment:

☐ Correction of formal matters

As shown in the remarks of the attached paper, these (1) are needed for proper disclosure or protection of the invention and (2) require no substantial amount of additional work on the part of the PTO.

NOTE: No showing as to why the amendments to correct formal matters was not earlier presented need be made, unless the issue fee was already paid.

☒ Other (affects the disclosure, the scope of any claim or adds a claim) (M.P.E.P. Section 714.16, 7th Edition):

As shown in the remarks in the attached supplemental page(s), there is stated the reason (1) why the amendment is needed, (2) why the proposed amended or new claims require no additional search or examination, (3) why the claims are patentable, and (4) why they were not earlier presented.

3. The issue fee:

☒ has not been paid.
☐ is paid separately herewith.

4. Additional fees:

☒ Please charge Account 12-0425 for any additional fees that may be required by the filing of this paper.

Reg. No.: 33,778

Tel. No.: (212)708-1935

Customer No.:


SIGNATURE OF PRACTITIONERJanet I. Cord

(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry
26 West 61st Street
New York, N.Y. 10023

BEST AVAILABLE COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Antonio LOPEZ-CABRERA

Serial No.: 09/660,022

Group No.: 1615

Filed: September 12, 2000

Examiner.: Tran, Susan T.

For: SOLID ORAL PHARMACEUTICAL FORMULATION OF MODIFIED
RELEASE THAT CONTAINS AN ACID LABILE BENZIMIDAZOLE
COMPOUND

Attorney Docket No.: U 012473-1

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AFTER ALLOWANCE

Reconsideration and further examination is respectfully requested in
view of the following amendments and remarks.

In the Claims

1. (Cancelled)

2. (Previously Presented) A pellet according to claim 25 wherein said one or
more intermediate layers (c) comprise one or more layers of an inert, non-alkaline
coating and one or more layers of a system of modified release.

CERTIFICATE OF MAILING /TRANSMISSION(37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☐ deposited with the United States Postal
Service with sufficient postage as first class mail in an
envelope addressed to the Assistant Commissioner for
Patents, P. O. Box 1450, Alexandria, VA 22313-1450

FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark
Office to fax number (703) 872-9306

Signature

Janet I. Cord

(type or print name of person certifying)

Date: March 16, 2004